

SALLY HARDMOND.

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JANUARY 29, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. SNOVER, from the Committee on Claims, submitted the following

R E P O R T .

[To accompany S. 1122.]

The Committee on Claims, to whom was referred the bill (S. 1122) for the relief of Sally Hardmond, have had the same under careful consideration, and adopted Senate report thereon (No. 720) as containing a full statement of the facts in connection with the claim, and recommend the passage of the bill with the following amendments:

In line 5, between the word "Treasury" and the word "not," insert "belonging to the Freedman's Bureau, not otherwise appropriated, and if there be no money in said fund not already appropriated, then out of any moneys in the Treasury.

In line 5 strike out the word "Boywell" and insert the word "Bagwell."

## Senate Report No. 720, Fifty-fourth Congress, First Session.

Mr. BURROWS, from the Committee on Claims, submitted the following

## REPORT:

[To accompany S. 1122.]

The Committee on Claims, to whom was referred Senate bill 1122, have had the same under consideration and report it back to the Senate with a recommendation to strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Martha A. Bagwell, executrix of Sallie Hardmond, deceased, the sum of \$4,840, being the balance due said Sallie Hardmond on account of her personal services as a nurse in the Bureau of Freedmen, Refugees, and Abandoned Lands, district of Virginia, and for rent of her dwelling house in the city of Richmond, in the State of Virginia, and for one house hired by her and used for the purposes of said Bureau, and for money expended by her in aid of said Bureau.

And the committee further recommend that the bill as thus amended pass.

Your committee reach this conclusion not only from a careful examination of the documents on file with the committee, but it seems this case has once received the favorable action of the Committee on Claims of the Senate, and the report then made, hereto attached, is adopted by your committee as containing all the material facts in the case and made a part of this report.

The committee also recommend that the title of the bill be so amended as to read, "A bill for the relief of Martha A. Bagwell, executrix of Sallie Hardmond, deceased."

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[Former report of the Committee on Claims of the Senate.]

The Committee on Claims, to whom was referred the bill (S. 1639) for the relief of Sallie Hardmond, having had the same under consideration, beg to submit the following report:

The claim of petitioner in this case is set out in her memorial, of which the following is a copy:

IN THE MATTER OF THE BILL FOR THE RELIEF OF MRS. SALLIE HARDMOND.

*To the Congress of the United States:*

The petitioner, Mrs. Sallie Hardmond, respectfully represents that she is a citizen of the United States, and was formerly a resident of the city of Richmond, in the State of Virginia, but is now domiciled in the city of Washington, District of Columbia. That for many years prior to and during the late war of the rebellion she resided in said city of Richmond, Va., where she was engaged in business as a midwife and

professional nurse, and was in that capacity employed by many of the best families in the State, earning, by means thereof, a comfortable living, her wages averaging from \$75 to \$100 per month.

That as a result of her labors as aforesaid she succeeded in accumulating some little real estate in said city of Richmond, as also a small amount of money.

That among other pieces of real estate acquired by her as above stated was a certain lot improved by a commodious dwelling of twelve rooms.

That during the spring of 1866 Gen. Orlando Brown, Assistant Commissioner of the Bureau of Refugees of the United States, and having charge of the Freedmen's Bureau in the said city of Richmond, requested your petitioner to open the said dwelling owned by her, and above referred to, for the use and benefit of the refugee freedmen and their families who might come into said city from the surrounding country, and that accordingly, in compliance with his request as aforesaid, your petitioner so opened her said dwelling on the 1st day of April, 1866, and used the same for the exclusive benefit and accommodation of such freedmen and their families from that time continuously to the 1st day of April, 1872.

That her said action was taken with the approval and sanction of General Brown, who repeatedly sent to her at said house large numbers of indigent old men, women, and children, ranging from 75 to 135 in number; that such persons were sent by General Brown to your petitioner during the entire period that he was in charge of said Bureau, and all of whom were cared for by your petitioner at her own expense, and for which care and attention and occupancy of her premises she was constantly assured by General Brown that she would be paid whatever was just and proper.

Your petitioner further represents that during the spring of 1869 she found that her said house was not of sufficient size to accommodate the large number of refugees sent to her as aforesaid, and she was therefore compelled, in order to provide for these people, to secure a neighboring building, and in consequence of this necessity she rented a dwelling house from one Mrs. Mary Baily, on the 1st day of April, 1869, at a monthly rental of \$40, agreeing with Mrs. Baily that she would be personally liable for the rent thereon, and which house she occupied continuously, in connection with her own, for the purpose aforesaid, from the time of its rental to the 1st day of April, 1872.

That of the rent due and owing to the said Mrs. Baily for the use of said house she paid \$160, and agreed to be personally responsible for the balance.

That the rental of this latter building was approved by the officers of the Freedmen's Bureau in that city, who furnished the house with some few bedsteads and some little bedding for the benefit of the inmates.

That during all of said period from April 1, 1866, to April 1, 1872, your petitioner, at her own expense, furnished all the supplies for the maintenance of said home, with the exception of some few rations issued to her by General Brown, and paid all the current expenses of the home, including the wages of certain additional nurses she was forced to employ, and which cost her in the aggregate the sum of \$2,230.

That finding she had not sufficient means to meet the above liabilities, your petitioner was compelled to mortgage her own house, above referred to, in order to secure the necessary funds for this purpose.

That in addition to the above your petitioner devoted her entire time and attention during the period mentioned to the care of the home and for the benefit of the said refugees quartered in the same.

That, with the exception of \$140, paid to your petitioner on account of her personal expenses, she has received no compensation of any nature whatever on account of her large expenditures, the occupancy of her premises, or for her individual labor.

Your petitioner further represents that during the month of July, 1880, she presented a claim based upon the above facts to the Secretary of War for settlement under section 2034, Revised Statutes United States, but her attorney, finding that the claim did not come within the provisions of said section, withdrew the same from the War Department on the 12th day of August of that year, and on the 13th of that month filed the same with the Third Auditor of the Treasury Department for adjudication, and who, on the 24th of September of the same year, rejected the claim upon the ground that while "her patriotism and her devotion to her race are worthy of the highest commendation, Congress alone has the power to say what should be the fitting reward. No executive officer has power to acknowledge as a public indebtedness a moral duty not coupled with a legal liability. Her claim is not within the jurisdiction of the accounting officers."

The Auditor bases his decision upon the fact that, there being no contract between your petitioner and the officers of the Bureau of Refugees, he has no jurisdiction, although he recognizes the equity of the claim as stated by his language quoted above.

This decision was approved by the Second Comptroller of the Treasury on the 13th of May, 1881.

A few weeks later your petitioner presented certain additional evidence to the Third Auditor and applied for a rehearing, which was denied by that officer on the

1st of June, 1881, his decision being affirmed by the Second Comptroller June 27, 1881. (See decisions with the papers now before the committee.)

Finding herself without remedy through the accounting officers of the Treasury Department, your petitioner respectfully prays that your honorable body will consider her claim arising as above recited, the items composing which are here stated in detail.

For the use and occupancy of her private dwelling, from April 1, 1866, to April 1, 1872, six years, at \$420 per year.....	\$2,520
For cash paid Mrs. Mary Baily for four months' rent of her dwelling, leased by your petitioner, at \$40 per month.....	160
For liability incurred by your petitioner for thirty-two months' rent of last-named house, at \$40 per month.....	1,280
For cash expended by your petitioner on account of purchase of provisions, medicine, wages of nurses, etc.....	450
For cash borrowed by your petitioner and expended by her for provisions, medicine, etc., for the benefit of said refugees, and secured by mortgage upon her house as aforesaid.....	1,780
For personal service as nurse and general manager of said home from April 1, 1866, to April 1, 1872, six years, at \$40 per month.....	2,880
Total.....	9,070
Credit by cash.....	140
Balance.....	8,930

In support of her claim as above your petitioner respectfully requests your attention to the following affidavits:

First. That of Gen. Orlando Brown, late Assistant Commissioner of the Bureau of Refugees of the United States in charge of the Freedmen's Bureau, in the city of Richmond, during the greater portion of the time said home was conducted, who testifies as to the truth of your petitioner's statement that she conducted such a home as by her described; that he gave his sanction thereto by issuing, at various times, rations for the support of the home; that your petitioner was paid but a very small amount on account of her claim, explaining that this failure to pay her in full arose from the fact that the irregular character of the expenditures prevented his so doing; that your petitioner's work was a worthy one, and should be suitably rewarded.

Second. Affidavit of Dr. J. J. De Lamata, late brevet lieutenant-colonel and surgeon, United States Volunteers, and who was a medical director of the Freedmen's Bureau in the city of Richmond during the time your petitioner conducted the home as aforesaid, and who testifies to the truth of your petitioner's allegations, and further to the value of her services as a nurse, which he places at not less than \$50 per month, and still further to the value of her house occupied by her for said home as aforesaid, and which he states to be \$35 per month.

Third. To the affidavits of Patrick O'Brien, late issuing clerk for said Bureau in said city; B. C. Cook, late agent of the bureau in that city; William Ward, late recruiting sergeant, United States Army, stationed in that city, and to an additional affidavit of Dr. De Lamata; all of [which] corroborate the statements of your petitioner and support the affidavits of General Brown and Dr. De Lamata, and further establish the value of your petitioner's personal services.

Fourth. To the affidavits of John H. Taylor, Edward Devport, and Henry C. Cox, former citizens of the city of Richmond, establishing the value of your petitioner's personal services and the rental value of her property used by her as aforesaid.

Fifth. To the affidavits of Martha A. Bagwell and T. Norris, corroboratory of your petitioner's allegations and of the previous affidavits.

Your attention is further invited to a series of letters and certificates from various persons further corroborating your petitioner and establishing the value of her personal services.

These affidavits will be found with the papers now before the committee.

Your petitioner believes she has fully established the equity and justice of her claim for compensation as stated in the above account, and that the same will be recognized by your honorable body, and in duty bound will ever pray.

Respectfully submitted.

SALLIE HARDMOND.

DISTRICT OF COLUMBIA,  
City of Washington:

Personally appeared before me, a notary public for the city and district aforesaid, Mrs. Sallie Hardmond, well known to me, who, being duly sworn, says she believes all the facts stated in her above petition to be true.

[SEAL.]

S. A. TERRY,  
Notary Public.

WASHINGTON, D. C., December 6, 1889.



In support of the material facts stated in this memorial petitioner submits sundry affidavits. Among the number are included those of Gen. Orland Brown, late Assistant Commissioner of the Bureau of Refugees of the United States, having charge of the Freedmen's Bureau in the city of Richmond, covering a portion of the time for which services are claimed; also that of Dr. J. J. De Lamata, late brevet lieutenant-colonel and surgeon, United States Volunteers, who was a medical director of the Freedmen's Bureau in the city of Richmond during the time petitioner conducted the home referred to in memorial; also, that Patrick Obrien, late issuing clerk for said Bureau in said city; also, those of B. C. Cook, late agent of the Freedmen's Bureau in said city of Richmond, and William Ward, late recruiting sergeant, United States Army, stationed in said city; also, affidavits of John H. Taylor, Edward Devport, and Edward C. Cox, formerly prominent citizens of the said city of Richmond; also sundry other affidavits.

From the testimony it is conclusively shown that from the spring of 1866—about April 1 until about the 1st of April, 1872—a period in all of about six years, the petitioner, Mrs. Sallie Hardmond, who was during all that time the owner of a certain lot in the city of Richmond on the corner of Leigh and Adams streets, on which was a commodious dwelling house, also owned by her, of—feet in width by 60 feet in length, and containing twelve rooms, together with an outhouse on the same lot containing some four rooms, opened said house and outhouse so owned by her for the use, occupation, and benefit of refugee freedmen and their families who might come to said city of Richmond from the surrounding country; that the said house and outhouse were so used by such freedmen and their families continuously and exclusively from about the 1st day of April, 1866, until the 1st day of April, 1872.

It appears from the testimony, furthermore, that during said time, and from time to time while General Brown was in charge as aforesaid, he repeatedly sent to her at said house large numbers of indigent old men, women, and children, ranging from 75 to 135 in number; that during the whole period of six years aforesaid it is further clearly shown by the testimony the petitioner, Sallie Hardmond, had charge as superintendent and matron of all of said freedmen and their families, and that during all that time she gave her exclusive attention and time to the care of said freedmen and their families, incurring during the time considerable expense in providing for the same.

It is further clearly shown by the testimony that during the spring of 1869 the said house, by reason of the increased numbers of freedmen, became insufficient in size to accommodate the large numbers of refugees sent to her, and that in order to afford sufficient accommodations she was compelled to, and did, in order to properly provide for these people, rent a neighboring building from Mrs. Mary Baily, at a monthly rental of \$40, she agreeing with Mrs. Baily at the time that she would be personally liable for the rent thereof; that this house was secured on the 1st day of April, 1869, and which house she also occupied continuously in connection with her own for the purposes aforesaid—that is, for the care of refugee freedmen and their families—up until the 1st day of April, 1872; that petitioner paid Mrs. Baily for and on account of rent due and owing to her for the use of said house \$160, agreeing to be personally responsible for the balance, and she is now responsible, and ever since has been, for the same, but the same remains unpaid by reason of the inability of petitioner to pay the same.

It further appears from the testimony that the rental of this latter building was approved by the officers of the Freedmen's Bureau in that city at that time, in this manner and to this extent—they furnished the said house with some few bedsteads and some little bedding for the benefit of the inmates.

It appears that during all of said period, from April 1, 1866, to April 1, 1872, petitioner, at her own expense, furnished all the supplies for the maintenance of said home, with the exception of a few occasional rations issued to her by General Brown, and that she paid all the current expenses of the home, including the wages of certain additional nurses she was compelled to employ and did employ, and which she alleges—although the proof on this point is not very clear or full—cost her in the aggregate the sum of \$2,230.

It appears from the petitioner's testimony, which is corroborated, that in order to meet her liabilities in connection with the care of said home, she mortgaged her house above referred to in order to secure the necessary funds for such purpose.

It further appears that, with the exception of \$140 paid to petitioner on account of her personal services in connection with said home, she has received no compensation of any nature whatever, either on account of her own services personally or for the use and occupancy of her premises, or expenditures incurred by her, or for individual services.

The only point upon which there is room for controversy in respect of either the moral or legal obligation of the United States to pay petitioner for moneys expended, for her services, and the reasonable use of her premises is as to whether all this was done in pursuance either of direct orders in the first place from the Government, represented by the officers in charge of the Freedmen's Bureau, or by approval from

time to time by acts and declarations upon their part sufficient to create a liability upon the part of the Government.

Mrs. Hardmond herself testifies that during the spring of 1866 Gen. Orlando Brown, assistant of the Bureau of Refugees of the United States, and having charge of the Freedmen's Bureau in the city of Richmond, requested her to open the said dwelling, owned by her and above referred to, for the use and benefit of the refugee freedmen and their families who might come to the said city from the surrounding country, and that she did open and carry on the same in pursuance of his request. She further testifies that General Brown repeatedly sent to her at said house, as such assistant commissioner of the Freedmen's Bureau, large numbers of indigent old men, women, and children. The affidavit of Gen. Orlando Brown is submitted, in which he states that after the close of the late civil war he was appointed assistant commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, and assigned to duty in charge of the affairs of said Bureau in the State of Virginia; that his headquarters were at Richmond; that subsequently he was appointed acting assistant adjutant-general for said Bureau, and that in the one or the other of these positions he remained in charge of the affairs of said Bureau for the said State of Virginia until the summer of 1869.

"That during all this time [and your committee now quote from his affidavit] I remember that Mrs. Sallie Hardmond had an establishment in Virginia, which she conducted and managed herself, which was in a measure auxiliary to said Bureau, and I believe that many indigent and helpless freedmen were sent to her home by the Bureau officers of the district, and that the said Sallie Hardmond never received compensation for but a small part of her services.

"I remember that I ordered an issue of rations and clothing for the inmates of her home, and in this manner gave my sanction and approval to the work in which she was engaged. Why I did not order full compensation for her labors and reimbursement for her expenditures I do not now distinctly remember, but believe the reason to have been that the irregular nature of the service performed and the irregular mode of expenditure prevented my doing so."

General Brown then goes on to state in his affidavit (the affidavit being dated July, 19, 1880) as follows:

"At this time, after reading the affidavits of Surgeon De Lamata, Captain Cook, and Mrs. O'Brien, and recalling to my mind as clearly as possible all of the circumstances, I fully believe that the labor performed by Mrs. Hardmond was necessary to prevent suffering, and that she was encouraged in such labors by the officers of the Bureau, and that she might reasonably expect that her labors and expenditures had their approval and sanction, and that she would receive compensation therefor.

"This affiant would further state that I have carefully read the affidavit of Surgeon De Lamata, and believe the facts are in the main as herein set forth."

General Brown concludes his affidavit with the statement "that he has no interest whatever in the claim set up by Mrs. Hardmond, and that he earnestly hopes that she will receive adequate compensation for her services."

This affidavit, it will be observed, gives much strength to the statement of Surgeon De Lamata.

In subsequent certificate of Gen. Orlando Brown, made for use before the Second Auditor of the Treasury Department, dated October 8, 1880, returning the papers referred to him for report, he said:

"Concerning the claim of Sallie Hardmond, proprietor, matron, nurse, etc., of the freedmen's home in Richmond, Va., October 8, 1880. Respectfully returned with the statement that while I had the disposition to do everything in my power to aid Mrs. Hardmond, it was impossible for me to state that I employed her or any other person. The quartermasters, surgeons, and other officers employed and made out the pay rolls for all persons employed. I so ordered them to employ, and approved their rolls when made out and their payment, but never made out the pay rolls myself. That I ordered the employment of Mrs. Hardmond I do not doubt, as her name appears on the rolls. Why it was left off I am unable to state at this time.

"I see but one way for Mrs. Hardmond to obtain her pay. Let Dr. De Lamata make out an affidavit that she performed the service under his orders, and I will indorse thereon my affidavit of approval and that such service was necessary. It appears to me that some evidence of this character would place the matter in the best possible shape, as it can truthfully be done."

Attached to the above certificate of General Brown is the certificate of Surg. J. J. De Lamata, then surgeon in chief of the Freeman's Bureau, etc., for the district of Virginia, which is as follows:

"I have perfect recollection that the employment and expenditures of Mrs. Sallie Hardmond, as stated by her, were made with the approval of Gen. O. Brown, commissioner Bureau at Richmond, Va., and that she is justly entitled to the pay for services and expenditures as rendered and claimed, and should have been long since paid.

"J. J. DE LAMATA, M. D.,

*"Late Surgeon in Chief of Freedmen's Bureau, etc., for District of Virginia."*

On April 26, 1877, Surg. J. J. De Lamata addressed a letter to O. L. Pitney, esq., then connected with the Treasury Department, in which he said:

"I have the honor to state that I have known Mrs. Sallie Hardmond for more than ten years. I established the Bureau of Refugees, Freedmen, and Abandoned Lands in Virginia (its medical department) and remained in control of it until its close. The general condition of all freedmen especially was a part of my trust. I take pleasure in saying that during all the years the Bureau and its medical department were in operation in Virginia she aided me greatly by giving her personal services and contributing of her own means toward the care and aid of freedmen and women. She was, before our armies entered Richmond, considered one of the best female nurses in the city, as I have been told by many physicians, and know from my own observation. She gave up this well-paying business to aid the poor of her color, and as I have stated, gave for this purpose much of her means.

"There were some claims outside of the above for which she had promises of pay, as was certainly but just. These means she had, as I supposed, vouchers for, but by a fire lost them. Her husband, who, a worthy man, aided her in her generous efforts, is now sick and not able to aid himself. She can not at the present time get her vouchers renewed and secure pay thereon. She is in the city (Washington) with no means, willing and most anxious to do something. I most earnestly urge that within your power you will aid her to employment.

"I certify fully to her character and industry and doubt not she would render good service.

"I know there is no one of her race more worthy of consideration. I shall be most happy to hear that her claims are recognized.

"I am, with respect, your obedient servant,

"J. J. DE LAMATA, M. D.,  
"Late Lt. Col., Surgeon, Medical Director East Virginia,  
and Medical Director Bureau of Freedmen, etc., during its existence.

"P. S.—I give my titles simply to let you know that I am acquainted with what I say in regard to her efforts for her race.

"J. J. D."

The affidavit of J. J. De Lamata, M. D., as above, to which reference is made doubtless in the affidavit of Gen. Orlando Brown, is one of date July, 15, 1880, the same date as that made by General Brown, and your committee give the same in full as follows:

"In July, 1865, I took charge of the medical department of the Bureau of Refugees, Freedmen, and Abandoned Lands, district of Virginia, as surgeon in chief. I had not occupied the position long when I was informed by Gen. O. Brown, assistant commissioner district of Virginia, that Sallie Hardmond was on duty in the Bureau as as assistant in cases of indigent freedmen, and authorized me to add to her duties anything I judged necessary in connection with the medical department.

"On investigation I learned that she was in fact a nurse under the order of General Brown, to be assigned to any of the numerous cases of indigent freedmen, which naturally appeared in the relations between the bureau and the indigent freedmen. I also learned that she had long been a highly esteemed nurse among the leading families of Richmond, physicians of eminence in the city stating to me that she was far superior as a nurse to anyone within their knowledge in the city, and had been in constant demand at \$40 to \$50 per month, and expressed their deep regret that she had given up her usual business to assist her race in the various calls to duty among the indigent of her class.

"I at once engaged her for additional duties under my orders, which arrangement General Brown, the assistant commissioner, approved.

"Between her two positions she was constantly occupied, night and day, doing more than twice the service of an ordinary hospital nurse, and in a far superior manner, and a duty far more exhausting in its character.

"It was well understood between General Brown and me that her services were of great value and should be liberally paid for.

"On account of the double duty she was performing it happened that she did not get on the hospital roll of nurses, owing most likely to the fact that she was believed to be on General Brown's roll of employees.

"General Brown, having suddenly left without completing many matters, Mrs. Hardmond never got her pay. She had not pressed the matter, owing to the fact that she had laid up some means as a nurse before the close of war and was not in immediate need.

"Since the close of the Bureau she has been making urgent efforts to secure her just pay and for which she has at all times been in pressing need, but without success.

"As she lost all her property at Richmond, when under Government control, by fire, for which she has made continuous claim without success, she the more needs that justice should be done her who did such valuable service, as it drew upon her the enmity of so many leading persons in the South who were served by her before

and during the war as nurse in their families, for the reason that she gave up her position as nurse to favor the North in its efforts for her freed race.

"It appears to me that justice should be done her at once; she is very needy; she is old and dependent, and justice long delayed would give some light and comfort to her declining life.

"As an officer who knows well the value of her services, and has been surprised at the long delay in recognizing them, and knowing her pressing needs, I earnestly entreat that her case, at least to the extent of paying her for her valuable services, may be favorably considered at once.

"J. J. DE LAMATA, M. D.,

*"Late Surgeon U. S. Volunteers, Surgeon in Chief  
of Bureau of Refugees, Freedmen, and Abandoned Lands."*

In a subsequent affidavit of Dr. De Lamata, of date April 27, 1881, he, among other things, made the following statement:

"I had frequent interviews with General Brown in regard to the disabled colored people and their care, and although at this distance of time I can not recollect our conversations, I know I always got the impression that the expenses of the whole or a part of inmates at her home were a matter charged to the Bureau, and that she was receiving pay for her services. I was greatly surprised when I learned that she had not been so paid, and that all such pay was refused her. To reduce the whole of the above to a point, I will say that my knowledge of the powers of General Brown and of his relations with Mrs. Hardmond and her home, and of all my conversations with him in regard to the helpless and indigent, led me to the belief that Mrs. Hardmond's home was a recognized part of General Brown's provisions for the destitute, and that she was being properly paid for her expenses and services; and I knew that if she had not been paid, which I believe is a fact, that she has a good claim to a large amount for said services and expenses. I need give no better proof for my belief that Mrs. Hardmond's home was a Bureau institution than the fact that I gave supplies to it from the medical stores at the Bureau, visited it myself for inspection, and sent Bureau medical officers there to attend the sick, which I should not have done had I not considered the home so much a branch of the Bureau as to bring it under my supervision.

"JACOB J. DE LAMATA, M. D.,

*"Late Medical Director of Bureau of Refugees,  
Freedmen, and Abandoned Lands, District of Virginia."*

In another certificate required of Dr. De Lamata by the Pension Office, he, on May 12, 1880, gave the following:

"I hereby certify that I was medical director of the Bureau of Refugees, Freedmen, and Abandoned Lands, from the organization of the Bureau for the district of Virginia and West Virginia, until its close, and that during this period Gen. O. Brown was commissioner of said Bureau. I knew that he was sending persons almost continuously to be cared for by Mrs. Sallie Hardmond; I know, also, that the persons so sent were indigent persons for whom the Bureau's care was required, and that it was the understanding that she would be paid for these and other services rendered under the order of General Brown.

"(Signed officially as above.)"

W. F. G. Garnettsin, an attorney at law, of Richmond, Va., submits the following certificate, dated Richmond, February 24, 1877:

"This is to certify that I know Mrs. Sallie Hardmond was for a number of years subsequent to 1865 superintendent of the asylum for the colored poor, situated at the corner of Leigh and Adams streets, in the city of Richmond; that she contributed largely from her private means; that for expenses incurred by her for the asylum for provisions and even for medical attendance, judgments were obtained against her, in consequence of which her personal property was sold, and her house and lot mortgaged and afterwards sold. These facts came to my knowledge as counsel for the adverse parties.

"To all whom it may concern, this is most respectfully submitted.

"W. F. G. GARNETTSIN."

The following certificates are also submitted and were used in the Auditor's Office:

"RICHMOND, VA., February 24, 1877.

"GENTLEMEN: We, the undersigned, beg leave to state that we were inmates of Mrs. Sallie Hardmond's home for the poor colored people. Some of us were in the house for several years, and know that the inmates numbered from fifty to one hundred. In addition to those residing in the home, large numbers of the country people coming to Richmond to obtain rations from the Freedmen's Bureau were sent by the officers of the Bureau to obtain lodging and refreshments while in the city.

"N. BANKS.

"RICHARD FORRESTER.



"I once made a professional visit to an institution, corner Adams and Leigh streets, known as the old people's home.

"I. H. WHITE, M. D.

"I visited a patient in the old people's home some years ago.

"N. H. DAVIS, M. D.

"This is to certify that Mrs. Sallie Hardmond did keep the old people's home, at the corner of Adams and Leigh streets, Richmond, Va.

"WM. FORRESTER.

"JAMES TURNER.

"A. T. COOLEY.

"St. Philip's Church, Richmond, Va."

Also the following certificate:

"RICHMOND, VA., February 26, 1877.

"We hereby certify that we have known Sallie Hardmond for fifteen years. She has frequently assisted us as nurse, not only in attendance upon lying-in women, but also as hospital nurse.

"We consider her in either capacity as well qualified.

"These conjoined to an excellent character for honesty and fidelity render her a valuable member of society, and the community here who know her regret her loss.

"JAMES BEALE, M. D.

"Dr. VAIDEN.

"Dr. DEANE.

"Dr. WELFORD.

"Dr. CUNNINGHAM."

Mrs. Elizabeth Deyber, late clerk in the office of the assistant commissioner of the Freedmen's Bureau at Richmond, Va., makes the following affidavit:

"WASHINGTON, D. C., June 8, 1880.

"I have known Mrs. Sallie Hardmond well and favorably for a number of years.

"She was first introduced to my notice in the month of October of the year 1866, by Dr. J. J. De Lamata, at that time medical director of the Bureau of Refugees, Freedmen, and Abandoned Lands, for the State of Virginia. I was employed as a clerk in the office of the assistant commissioner of that Bureau, located at Richmond, Va. My mother was sick with illness that terminated her life on the 21st day of October, 1866. Dr. De Lamata, who was the attending physician of my mother, who had, with me, her only child, been driven from home by the misfortunes of war and the burning of her house, sent to my assistance, as nurse for my mother, about a week previous to her death, Mrs. Sallie Hardmond, saying that she was employed by the Bureau to nurse and look after freedmen. I therefore believe that Mrs. Hardmond is entitled to the relief which she seeks, and take pleasure in giving this testimony in her behalf. I believe her to be a truthful and estimable woman, and hope that she may receive the justice I believe she merits.

"Mrs. ELIZABETH DEYBER."

Dr. De Lamata certifies to Mrs. Deyber as follows:

"I know Mrs. Deyber well, and have so known her for years, running back to 1865; all of her statements are true. I have more than covered them in the statements I have furnished Mrs. Hardmond. Mrs. Deyber is a highly respected and truthful lady, and her statements deserve the highest consideration.

"J. J. DE LAMATA, M. D."

Hon. Henry C. Cox, a member of the legislature of Virginia, makes the following statement, under date of January 26, 1887:

"I, Henry C. Cox, being sworn, do say that, being long a resident of Virginia and a member of the legislature, I knew Sallie Hardmond, of Richmond, and her work, both before and during her connection with the Freedmen's Bureau at that place. I was aware of her services as a general nurse in connection therewith, and also of the occupation of her own house, as well as that of another larger one, for purposes of the Bureau. Her own house was a three-story and basement one, and was worth at least \$25 per month for the purposes to which it was applied. The other used by her and hired was fully of the value of \$40 per month, the sum paid by her out of her own funds therefor during the period of some six years.

"This service began by her about the spring of 1866, and continued without intermission until the period of the breaking up of the Bureau, which was nearly or quite six years subsequent. The work in which she was engaged always seemed to me to be one of great necessity and absolutely essential to the good of the race, especially during the period named.

"HENRY COX."

Edward Devport, on the 19th of January, 1877, made the following affidavit:

"DISTRICT OF COLUMBIA,

*"City of Washington:*

"Edward Devport, the deponent, being sworn, says that in the matter of the claim of Sallie Hardmond for services rendered as nurse at Richmond, Va., and the employment of her property, as well as that hired by her, for use of the indigent of the Freedmen's Bureau, he was personally well acquainted with her and her work; that he kept a hotel a few squares from her, and was in the habit of directing persons to her; that for fifteen years prior to the date of the commencement of her work, viz, April, 1866, deponent had known her well in the capacity of nurse; that the buildings used by her were of the full value claimed by her; that deponent considered the sum of \$25 per month for her own dwelling (which was a three-story and basement house, and worth \$2,600) was a proper charge, and the additional property hired by her for the purpose was of the full value as paid, viz, \$40 per month. This continued for a period of six years, from April 1, 1866, to April 1, 1872; that deponent knows of her spending in said matters a sum near \$3,000 of her own funds, saved up by her in the practice of her profession in previous years, which was among the first families in Virginia.

"EDWARD DEVPORT."

John H. Taylor, of Washington, formerly of the city of Richmond, Va., makes the following affidavit, dated July 1, 1880:

"DISTRICT OF COLUMBIA,

*"City of Washington:*

"Personally appeared before me, a notary public in and for the District and city aforesaid, John H. Taylor, now of Washington, formerly of Richmond, Va., who, being duly sworn, depose and saith that he resided in the city of Richmond from 1841 to 1868; that he has known Mrs. Sallie Hardmond over twenty years; that she was esteemed as a worthy, honest, and respectable woman, and enjoyed a high character as a nurse for waiting on mothers during and after their confinement, and was called into the best families in Richmond. My wife was engaged in the same business, and I have reason to know that they realized from their business about \$10 a week. Have often seen her house on Adams street, between Leigh and Clay streets. It is quite a large house of two stories and a basement, and also an out-house with rooms therein. This house she opened for the accommodation of refugees, by what authority is not known to me, but I have seen quite a large number of refugee freedmen there under her care and superintendence. I do not know how long her house was used for this purpose, but would fix the value of the rent of said house at not less than \$35 per month. I know that Mrs. Hardmond before purchasing the said house and lot rented the same for \$40 per month. I have no interest whatever in the claim of Mrs. Hardmond, and further this affiant saith not.

"JOHN H. TAYLOR.

"Sworn and subscribed before me this 1st day of July, 1880.

"A. G. HEYLMUN, Notary Public."

It further appears to your committee that Mrs. Hardmond, the petitioner, after various efforts to secure pay from the officers of the Bureau, did, in July, 1880, present a claim, based on the facts stated in her memorial, to the Secretary of War for settlement, under section 2034 of the Revised Statutes of the United States, but her attorney, finding that the claim did not come within the provisions of said section, withdrew the same from the War Department on the 12th day of August of that year, and on the next day, August 13, 1880, filed the same with the Third Auditor of the Treasury Department for adjudication. The claim was rejected on the 24th of the following September, as stated in his decision, upon the following ground:

"Her patriotism and her devotion to her race are worthy of the highest commendation, but Congress alone has power to say what should be the fitting reward. No executive officer has the power to acknowledge as a public indebtedness a moral duty not coupled with a legal liability. Her claim is not within the jurisdiction of the accounting officers, and is therefore disallowed."

The Auditor, it seems, based his decision upon the fact that there was no contract between the petitioner and the officers of the bureau of refugees, and while he recognized the equity of the claim, as is fully indicated by his language, he decided that he had no jurisdiction. This decision was approved by the Second Comptroller of the Treasury on the 13th of May, 1881, and a few weeks later petitioner presented certain additional evidence to the Third Auditor, and applied for a rehearing, which was also denied on the 1st of June, 1881, and the decision of the Second Comptroller affirmed June 27, 1881. Finding herself without remedy through the accounting officers she has come to Congress.

In this connection Hon. John S. Williams, late Third Auditor of the Treasury, on

January 24, 1889, addressed the following communication to Hon. George W. Crouse, Member of the House of Representatives:

"DEAR SIR: When I took charge of the Third Auditor's office I found a claim in favor of Mrs. Sallie Hardmond that I wanted to allow because of its merits, but was prevented from doing so for want of jurisdiction. I told the old colored woman to go to Congress, and that I believed it would grant her relief. I have seen much of her in the last three years, and I am confirmed in the belief that she is an honest, good old woman who tells the truth, and it does seem to me you would be doing a proper thing to report a bill for her relief.

"Yours, very truly,

"JOHN S. WILLIAMS."

In view of all the circumstances, as hereinbefore fully detailed, your committee are of the opinion that while there was no direct, specific contract between the officers of the Freedmen's Bureau and Mrs. Hardmond, that there was such an approval and recognition of the use of her premises for the care and maintenance of indigent freedmen as to lead her to believe, as stated in the affidavit of Gen. Orlando Brown, that she was in the service of the Government, and entitled to receive and would receive fair compensation, not only for the use of her premises, but for moneys properly expended in care of the indigent and sick freedmen and for her personal service as superintendent, matron, and nurse, and in this view it is the opinion of your committee the Government should pay Mrs. Hardmond for the use of her premises as follows:

Twenty-five dollars per month for the use of her own premises for a period of six years, amounting in all to the sum of.....	\$1,800
Also the further sum of \$160 shown to have been paid out by her to Mrs. Bailey for the use of the premises rented by her.....	160
Also the further sum of \$40 per month for her personal services in connection with the care of said indigent freedmen for a period of six years from April 1, 1866, to April 1, 1872, in all.....	2,880
<b>Total.....</b>	<b>4,840</b>

The affidavit of Martha A. Bagwell is as follows:

"That she was well acquainted with Sallie Hardmond for thirty years last past, and knows of her claim for rents of property in Richmond, Va., for hospital purposes in connection with the Freedmen's Bureau from 1866 to 1872, inclusive; also her services as nurse; that she was well acquainted with the buildings used and paid for by Sallie Hardmond, the claimant. The value of her own buildings was fully \$25 per month, and that for which she paid rent out of her means and from her own pocket was fully \$40 per month; and both buildings were necessary for the work she had engaged to do for the freedmen's necessities.

"She further says she was present day by day and month by month aiding her in this work, and she knows of her own knowledge of the officials of the Freedmen's Bureau using and continuing to use and occupy said buildings during all the period stated, and they repeatedly assured the claimant in her hearing that she should be reimbursed and fully paid all of her expenses, both for her own house and the buildings she hired for the purpose, and for her services."

In reference to moneys advanced by Mrs. Hardmond, the testimony is very vague. She herself states that during the time she borrowed cash and expended the same for provisions, medicine, etc., for the benefit of said refugees, securing the same by mortgage upon her house to the amount of \$1,780, and that she also expended cash on account of the purchase of provisions, medicines, wages of nurses, etc., in addition, \$450; in all, \$2,230.

The only evidence your committee is able to find in support of this are some general statements in the affidavits of witnesses that they know she mortgaged her premises and obtained money, and used it in connection with the home, and the specific statement of Edward Devport, who kept a hotel a few squares from her house, and was in the habit of directing persons to her; that, to use his own language, "deponent knows of her spending in said matters (in connection with the care of the freedmen) a sum near \$3,000 of her own funds, saved up by her in the practice of her profession in previous years, which was among the first families of Virginia."

Your committee do not think the testimony in regard to money advanced is sufficiently explicit to justify a claim further than to the extent of \$140, admitted to have been received.

Your committee therefore report back the bill (S. 1639) with the following amendment and recommend its passage:

Strike out in line 6 the following words: "Eight thousand nine hundred and thirty," and insert in lieu thereof the following words: "Four thousand eight hundred and forty."

